REMARKS/ARGUMENTS

Claims 1-18 are pending in the present application. Claims 19-31 were withdrawn from consideration previously and are cancelled without prejudice herein. Claims 1, 3, 4, 8, 9, 11 and 13 have been amended herein. Applicant requests reconsideration and allowance of claims 1-2, 5-7 and 11-18 while maintaining the allowability of and allowing claims 3-4 and 8-10.

I. Objection to the Claims 11 and 13-18

Claims 11 and 13-18 were objected to under 37 CFR § 1.75(c) as allegedly being in improper form. In rejecting claims 11 and 13-18, the Examiner makes a reference to MPEP § 608.01(n), which recites, in a relevant portion, "**A. Acceptable Multiple Dependent Claim Wording** Claim 5. A gadget according to claims 3 or 4, further comprising . . ." (emphasis added). As claims 11 and 13 have been amended to have substantially the same structure as the acceptable multiple dependent claim example given in MPEP § 608.01(n), Applicant requests that the objection to claims 11 and 13-18 under 37 CFR § 1.75(c) be withdrawn.

II. Rejection of Claims 1 and 2 under 35 U.S.C. § 102(e)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ikawa et al. (U.S. Patent Appl. Pub. No. 2006/0101984).

Applicant traverses as follows. First, Ikawa et al. is not a proper reference under 35 U.S.C. § 102(e). Second, even if Ikawa et al. were valid as a 102(e) reference, which it is not, Ikawa et al. does not anticipate claims 1 and 2.

A. Ikawa et al. is not a proper 35 U.S.C. §102(e) reference

Ikawa et al. is not a proper 35 U.S.C. §102(e) reference because it has as the earliest effective U.S. filing date the PCT filing date of August 8, 2003, while the priority dates of the 6 Japanese priority documents in the present application are September, 4, 2002, September 10, 2002, September 11, 2002, September 17, 2002, September 19, 2002 and September 19, 2002,

respectively. As such, the Japanese priority documents predate the earliest effective U.S. filing date of Ikawa et al. Applicant submits that the priority documents provide a sufficient disclosure to be a basis for the above mentioned claims of the present application.

Accordingly, Applicant submits that Ikawa et al. is disqualified as a reference under 35 U.S.C. § 102(e). Therefore, Applicant requests that the rejection of claims 1 and 2 be withdrawn and that these claims be allowed.

B. Ikawa et al. does not anticipate claims 1 and 2

In rejecting claims 1 and 2, the Examiner contends "Ikawa et al. disclose a musical performance self-training apparatus for supporting a player by displaying a performance instruction information on a display means, comprising: a unit designating means (10) for designating a unit from the plural units (20), the units (20) constitute a music to be performed and each unit includes a predetermined size of musical tone information, and a performance instruction information generating means (30) for generating the performance instruction information based on the musical tone information of the unit, which is designated by the unit designating means."

However, Ikawa et al. merely discloses a training information distribution server (10), user terminals (20), and a trainer terminal (30), which are connected to each other through the Internet (40). Applicant does not see how the training information distribution server (10), user terminals (20), and a trainer terminal (30) of Ikawa et al. can be construed as a unit designating means, a unit or the units, and a performance instruction information generating means in claim 1, for example, of the present application.

In fact, Applicant does not believe that Ikawa et al. teaches a unit designating means, a unit or the units, and a performance instruction information generating means according to the claimed embodiments of the present application. Accordingly, Applicant submits that Ikawa et al. does not anticipate claims 1 and 2, even if it were a valid prior art, and further requests allowance of claims 1 and 2.

In the event that the rejection of these claims is to be maintained in the next office action, Applicant respectfully requests that the Examiner clearly explain pertinence of Ikawa et al. to claims 1 and 2 as required under 37 CFR § 1.104(c)(2) rather than merely applying reference numerals from a cited reference to the claim language without providing any guidance as to their pertinence.

III. Rejection of Claims 5-7 and 12 under 35 U.S.C. § 103(a)

Claims 5-7 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ikawa et al. Since Ikawa et al. is not a proper prior art reference as discussed above in reference to claims 1 and 2, Applicant requests that the rejection of claims 5-7 and 12 be withdrawn and that these claims be allowed.

Further, since claims 5-7 and 12 depend, directly or indirectly, from claim 2, they each incorporate all the terms and limitations of claim 2 in addition to other limitations, which together further patentably distinguish these claims over the cited references. Therefore, Applicant further requests allowance of claims 5-7 and 12.

IV. Allowable Claims 3, 4 and 8-10.

Claims 3, 4 and 8-10 were objected to as being dependent upon a reject base claim, but would be allowable if rewritten in independent form. Claims 3, 4, 8 and 9 have been rewritten in independent form, and claim 10 depends from claim 8 so there is no need to rewrite claim 10 in independent form. Claims 3, 4, 8 and 9 were further amended slightly to correct inadvertent clerical errors not related to patentability. Therefore, Applicant requests that the objection to claims 3, 4 and 8-10 be withdrawn and that these claims be allowed.

V. Concluding Remarks

In view of the foregoing amendments and remarks, Applicant respectfully request an early issuance of a Notice of Allowance with claims 1-18. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call Applicant's attorney at the number listed below.

Respectfully submitted,
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